

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: GRANULATED SUGAR
ANTITRUST LITIGATION

Case No. 24-md-3110 (JWB/DTS)

This Document Relates To:

ALL ACTIONS

**APPLICATION OF BRIAN J. DUNNE
TO SERVE ON PLAINTIFFS' STEERING COMMITTEE**

Pursuant to MDL Pretrial Order No. 3 (ECF No. 193), attorney Brian J. Dunne of Bathaee Dunne LLP respectfully submits this application for appointment to the Plaintiffs' Steering Committee. Mr. Dunne is counsel of record in *Edlin v. ASR Group International, Inc.*, No. 0:24-cv-02341 (D. Minn.), which is brought on behalf of indirect consumer purchasers.

Mr. Dunne has been in private practice since 2010 (after clerking), and has spent the past twelve years litigating complex plaintiff-side cases in courts across the country. Since co-founding Bathaee Dunne in 2020 with attorneys who litigated antitrust class actions on the defense side at Sullivan & Cromwell, Davis Polk, and Boies Schiller, Mr. Dunne has been lead or co-lead counsel in numerous complex class actions that have survived motions to dismiss and are currently pending, including:

- *Biddle v. The Walt Disney Company*, No. 5:22-cv-07317 (N.D. Cal.). Co-lead counsel in consolidated case for consumer class actions challenging Disney's anticompetitive licensing practices in connection with ESPN and other properties in the streaming live pay TV market. Case is presently in discovery after surviving two motions to dismiss, with classes pursuing Sherman Act and multistate indirect purchaser class claims.
- *Corrente v. The Charles Schwab Corp.*, 4:22-cv-00470 (E.D. Tex.) – Co-lead counsel in antitrust class action challenging the merger of Charles Schwab and TD Ameritrade in connection with its effects on the retail order flow market. Case survived motion to dismiss and a notice of settlement in principle was recently filed.
- *Crowder v. LinkedIn Corp.*, No. 4:22-cv-00237 (N.D. Cal.). Co-lead counsel in consumer class action challenging LinkedIn's monopolization of the Professional Social Networking Market. Currently in discovery after surviving motions to dismiss.
- *Pietosi v. HP, Inc.*, No. 3:22-cv-04237 (N.D. Cal.), and *Day v. Advanced Micro Devices, Inc.*, No. 3:22-cv-04305 (N.D. Cal.). Co-lead counsel in related consumer class actions arising out of product defect in AMD's firmware TPM modules. Currently in discovery after surviving motions to dismiss.

Mr. Dunne is currently a member of the Plaintiffs' Steering Committee for the Indirect Purchaser Plaintiff classes in *In re Passenger Vehicle Replacement Tires Antitrust*

Litigation, MDL No. 3107, No. 5:24-cv-3107 (N.D. Ohio), an antitrust MDL related to alleged price fixing in the market for passenger vehicle replacement tires. Interim class counsel was appointed this summer, and the MDL is still at the pleading stage.

Mr. Dunne is interim class counsel, alongside interim co-lead counsel Yavar Bathaee, for the advertiser class in *Klein v. Meta Platforms, Inc.*, No. 3:20-cv-08570-JD (N.D. Cal.), a consolidated antitrust class action challenging Meta (formerly Facebook's) monopolization of the social advertising market. After surviving two motions to dismiss, the advertiser claims in *Klein* are presently at the class certification stage.

Bathaee Dunne is Mr. Dunne's second plaintiff-side firm; his prior firm was counsel for consumer classes in *Perkins v. LinkedIn Corporation*, No. 5:13-cv-04303 (N.D. Cal.), which settled for \$13 million in 2015, and in *Cody v. SoulCycle, Inc.*, No. 2:15-cv-06457 (C.D. Cal.), which settled for up to \$9.2 million in 2017.

Mr. Dunne graduated with Honors, Order of the Coif, from University of Chicago Law School, where he was a member of the University of Chicago Law Review and an Olin Fellow in Law & Economics. After law school, Mr. Dunne clerked for Judge Susan P. Read of the New York Court of Appeals and for Judge Jay S. Bybee of the United States Court of Appeals for the Ninth Circuit.

If appointed to the PSC, Mr. Dunne will be supported by the attorneys and resources of Bathaee Dunne, which has eight full-time attorneys—four partners, two associates, one of counsel, and a staff attorney. Bathaee Dunne's partners litigated complex class actions at Sullivan & Cromwell, Davis Polk, and Boies Schiller prior to founding Bathaee Dunne (Mr. Dunne litigated at Quinn Emanuel prior to founding his first plaintiff-side firm). All Bathaee Dunne partners have complex trial experience.

Mr. Dunne and his colleagues have worked with numerous lawyers and law firms involved in this MDL during their time at Bathaee Dunne, and can and will work cooperatively with whomever is appointed to represent the Plaintiff classes (and with counsel for the Defendants). For example, in the *In re Passenger Vehicle Replacement Tires Antitrust Litigation* MDL, Mr. Dunne is working alongside attorneys from DiCello Levitt, Cotchett Pitre, and BoiesBattin—three firms proposed for the direct purchaser PSC here—on behalf of the indirect purchaser classes. In the consolidated *Klein* antitrust litigation against Meta, Lockridge Grindal—proposed co-lead counsel for the commercial indirect purchasers—represents the consumer plaintiffs, and Mr. Dunne has worked closely with that firm, including on consolidated e-discovery and deposition efforts.

In view of the above, and as further set forth in ECF Nos. 185 and 185-1, Mr. Dunne is willing and available to commit to time-consuming litigation in this matter; is able to work cooperatively with others; and has significant professional experience in this type of litigation. He and his firm are willing to undertake whatever role the Court believes would best advance this important litigation.

Dated: September 30, 2024

Respectfully submitted,

/s/ Brian J. Dunne
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